

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RONARD LORA, HUGO RIVERA, MARCO
ANTONIO DIAZ, MELVIN LORA, EDUARDO
LORA, GIOVANNI PAULINO, JOSE RODRIGUEZ,
and JOSE RODOLFO RODRIGUEZ-TINEO,
individually and on behalf of all others similarly
situated,

Plaintiffs,

- against -

J.V. CAR WASH, LTD., BROADWAY HAND
CARWASH CORP., WEBSTER HAND CAR
WASH CORP., HARLEM HAND CAR WASH
INC., BAYWAY HAND CAR WASH CORP.,
JOSE VAZQUEZ, SATURNINO VARGAS, JOSE
JIMENEZ, RAMON PEREZ, DOMINGO "DOE,"
ADOLFO FEDERUS, originally sued as ADOLFO
"DOE," and JOHN DOES 1-10,

Defendants.

Index No. 11-CV-9010 (LLS)

ECF CASE

CLASS ACTION

Civil Action

Jury Trial Demanded

**AFFIDAVIT OF
ROJAS CORONA VALERIO**

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STATE OF NEW YORK)
 ss.:
COUNTY OF NEW YORK)

ROJAS CORONA VALERIO, being duly sworn, deposes and says:

1. I am one of the Plaintiffs in this action. I have personal knowledge of the facts contained in this Affidavit.
2. I am making this Affidavit in response to statements that my former employer, the Defendant Jose Vazquez, has made in his September 5, 2013 affidavit to the Court. Many of Mr. Vazquez's statements in his Affidavit are false.
3. I know that Mr. Vazquez owns both Broadway Hand Car Wash ("Broadway"), which I understand to be the "business name" of J.V. Car Wash Ltd. ("J.V. Car Wash/Broadway"), and Bayway Hand Car Wash ("Bayway"), because I worked for him and the other Defendants at both locations. From approximately November 17, 2008, through approximately December 2011, and one additional day on May 27, 2012, I worked for Mr. Vazquez and the other Defendants at J.V. Car Wash/Broadway. I also worked one day during

this time period (in the summer of 2010) at Bayway. I worked washing, cleaning, drying and/or detailing cars, trucks and other vehicles at both locations.

4. Both J.V. Car Wash/Broadway and Bayway are full-service car washes. While the most basic service that a customer can purchase is a simple car wash, a customer who comes to either of these car washes can easily see the list of services that are available, which include vacuuming, shampooing, waxing and detailing. The list is posted on a large sign at the front of the entrance to each of the car washes, so that customers can read the sign from the street.

5. I also know that Mr. Vazquez owns two other car wash businesses, Webster Hand Car Wash ("Webster") and Harlem Hand Car Wash ("Harlem"), because I have had many conversations with other individuals who worked for Mr. Vazquez at his four car wash locations. I had these conversations with groups of workers at J.V. Car Wash/Broadway on occasions when the car wash business was slow. On many occasions, the manager at J.V. Car Wash/Broadway, Saturnino Vargas, participated in our conversations. Mr. Vargas frequently told us that Mr. Vazquez owned these four car wash locations (J.V. Car Wash/Broadway, Bayway, Webster and Harlem).

6. I also have been to Mr. Vazquez's car wash location at Harlem. I know from personal observation that this location also offers a list of services to Mr. Vazquez's customers. These services include vacuuming, shampooing, waxing and detailing. The list is posted on a large sign at the front of the entrance to the car wash, so that customers can read the sign from the street.

My Work History for the Defendants.

7. Around mid- to late-October 2008, I was looking for a job in the Washington Heights neighborhood, where I lived. I knew a worker, Francisco Maldonado, at J.V. Car Wash/Broadway, and I asked him if there were any jobs available there. Francisco told me that they didn't need any other workers at J.V. Car Wash/Broadway at the moment, but that I should try there again in a few weeks.

8. On approximately November 17, 2008, I was walking along Broadway in Washington Heights, and I passed the J.V. Car Wash/Broadway car wash. It looked very busy there that day, so I went to see Mr. Vargas, whom Francisco had told me was the manager at J.V. Car Wash/Broadway, and I asked him if there were any job openings at the car wash. Mr. Vargas asked me if I had any experience washing cars. I told him that I had washed my family's

car at home, but that I had never worked at a car wash. Mr. Vargas put a towel in each of my hands, and said, "This is your initiation. Get to work." I immediately started working at J.V. Car Wash/Broadway.

9. Mr. Vargas never asked me to fill out a W-4 form. Mr. Vargas never asked me to show him a photo "ID" card.

10. From approximately November 17, 2008, through approximately July 2009, I worked from 7:30 a.m. to 7:30 p.m., seven days a week, at J.V. Car Wash/Broadway. During this time period, J.V. Car Wash/Broadway typically paid me approximately \$50.00 per day. I received this money in cash from Marcos Urena, a long-time employee who distributed the money to the other employees at Mr. Vargas' direction.

11. From approximately August 2009, through approximately September 2009, I worked from 7:30 a.m. to 7:30 p.m., seven days a week, at J.V. Car Wash/Broadway. During this time period, J.V. Car Wash/Broadway typically paid me approximately \$60.00 per day. I received this money in cash from Mr. Urena.

12. From approximately October 2009, through approximately July 4, 2010, I worked from 7:30 a.m. to 7:30 p.m., six days a week, at J.V. Car Wash/Broadway. During this time period, J.V. Car Wash/Broadway typically paid me approximately \$60.00 per day. I received this money in cash directly from Mr. Vargas.

13. Beginning in approximately December 2009, I rented a room from Mr. Vargas in his basement apartment at 57 Vermilyea Avenue, New York, New York, which is a few blocks away from J.V. Car Wash/Broadway. Mr. Vargas' basement apartment had four bedrooms, so he regularly rented rooms in his apartment to employees at J.V. Car Wash/Broadway. During the time that I lived in Mr. Vargas' apartment, Ronard Lora and Francis Hernandez also lived there, as did Mr. Vargas' wife. I lived in Mr. Vargas' apartment with him, his wife, Ronard Lora and Francis Hernandez until approximately July 2010.

14. Even though my regularly scheduled hours began at 7:30 a.m. each day, I regularly was at work by 7:00 a.m., to start preparing for my workday.

15. When I first started working for J.V. Car Wash/Broadway, I noticed a white Ford minibus/van leave with workers from J.V. Car Wash/Broadway at approximately 7:10 a.m. in the morning, and return to J.V. Car Wash/Broadway around 7:00 p.m. in the evening, every day. I asked my co-workers at J.V. Car Wash/Broadway where the white Ford minibus/van was going,

and they told me that it was taking workers to the New Jersey car wash location. I later learned that this was the Bayway location.

16. The white Ford minibus/van was kept parked overnight alongside the car wash building at J.V. Car Wash/Broadway. Because I was curious, after a few months, I asked Mr. Vargas about the white Ford minibus/van. Mr. Vargas told me that the white Ford minibus/van was owned by the car wash.

17. During the time that I worked at J.V. Car Wash/Broadway from approximately November 17, 2008 through approximately July 4, 2010, I regularly saw the white Ford minibus/van leave with workers from J.V. Car Wash/Broadway in the morning, and return to J.V. Car Wash/Broadway in the evening. After the white Ford minibus/van returned to the J.V. Car Wash/Broadway location in the evening, I spoke with the other employees who had spent their day working at Bayway. We talked about the work that we had all done that day at the car washes.

18. On one occasion during the summer months of 2010, Mr. Vargas called me on the phone at his apartment (where I was still living), and told me that another employee who was supposed to work at Bayway that day had not arrived at J.V. Car Wash/Broadway. Mr. Vargas knew that I was only a few blocks away from J.V. Car Wash/Broadway, and he asked me if I would work the day at Bayway. Because I did not want to disappoint my boss, Mr. Vargas, I went to J.V. Car Wash/Broadway, got into the white Ford minibus/van, and went to Bayway.

19. I do not remember the exact day that I worked at Bayway in 2010. I remember that it was a hot day, and so I believe it was probably one day in May, June or July 2010. I worked from 8:00 a.m. to 6:00 p.m. that day at Bayway, for which Bayway paid me approximately \$60.00. I received this money in cash from the manager at Bayway, whom I later learned was Ramon Perez.

20. From approximately July 18, 2010, through approximately September 17, 2010, I worked from 7:30 a.m. to 7:30 p.m., two days a week, at J.V. Car Wash/Broadway. During this time period, J.V. Car Wash/Broadway typically paid me approximately \$70.00 per day. I received this money in cash from Mr. Vargas.

21. Between approximately September 17, 2010 through approximately September 2011, I did not work at J.V. Car Wash/Broadway.

22. From approximately October 2011, through approximately December 2011, I worked the night shift, from 7:30 p.m. to 7:30 a.m., four days a week, at J.V. Car Wash/Broadway. During this time period, J.V. Car Wash/Broadway typically paid me approximately \$70.00 per night. I received this money in cash from the night manager, whose name was Franklin.

23. I worked one more day, on May 27, 2012, from 7:30 a.m. to 7:30 p.m., at J.V. Car Wash/Broadway. I was paid approximately \$70.00 for working on May 27, 2012. I received this money in cash from the assistant manager, Domingo Rodriguez.

Mr. Vazquez's Businesses Are Not Local.

24. Throughout the time that I worked at J.V. Car Wash/Broadway, I saw products being used there that were manufactured by a company called "Aura." Specifically, I saw plastic tanks of the products manufactured by Aura being attached by hoses to the car wash equipment that was used at J.V. Car Wash/Broadway. These products were drawn from the tanks through the equipment, and sprayed onto the cars that were being cleaned at J.V. Car Wash/Broadway.

25. Throughout the time that I worked at J.V. Car Wash/Broadway, I regularly saw cars with license plates that were not from New York being washed, cleaned, dried and/or detailed at J.V. Car Wash/Broadway. Specifically, I saw different cars with Connecticut, Florida, South Carolina, North Carolina, New Jersey, Delaware and Pennsylvania license plates being washed, cleaned, dried and/or detailed at J.V. Car Wash/Broadway. I saw cars with license plates that were not from New York being washed, cleaned, dried and/or detailed at J.V. Car Wash/Broadway many times each week. I also regularly washed, cleaned, dried and/or detailed cars with license plates that were not from New York at J.V. Car Wash/Broadway.

26. I never had my own business detailing cars at J.V. Car Wash/Broadway or at Bayway. I worked for Mr. Vazquez. At J.V. Car Wash/Broadway, I always followed the instructions of Mr. Vargas, the manager. At Bayway, I always followed the instructions of Mr. Perez, the manager.

27. I am not a "shiftless liar" or a "hooligan," as Mr. Vazquez has called me in his Affidavit. I never threatened or intimidated Mr. Vazquez, Mr. Perez or Mr. Vargas, or any of the other workers, or any of the customers, at J.V. Car Wash/Broadway or at Bayway. I worked hard for Mr. Vazquez and his businesses. In return, he did not pay me a minimum wage, and he

did not pay me overtime for all the hours that I worked for him. I have brought this lawsuit in federal court in order to recover what Mr. Vazquez and his businesses owe me.

28. For these reasons, I respectfully request that the Court deny the Defendants' motion to dismiss this lawsuit, and allow this lawsuit to proceed to trial.

29. This Affidavit has been interpreted for me in Spanish, and I understand its content fully.


ROJAS CORONA VALERIO

Sworn to before me this 18th day
of September, 2013


Notary Public

LAURA E. LONGOBARDI
Notary Public, State of New York
No. 02LO4945100
Qualified in Westchester County
Commission Expires Dec. 12, 2014